

REMARKS

Claims 1 – 10 are in the application. By this amendment, each of Claims 1 – 10 is amended. Claims 11 – 20 has been withdrawn from further consideration as being drawn to a non-elected species.

Claims 2 – 10 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite because the term “a composite” was used at the beginning of each claim. As a result, this has been changed to read “the composite”. Claim 10 was also rejected because of an antecedent basis problem and this has been amended to resolve this problem.

Claims 1 – 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman, U.S. Patent 5,791,726 (“Kaufman”). The Examiner states that Kaufman discloses the invention as claimed to include an extruded metal floor 112 having channels and a plurality of wall sections having a plurality of outward opening channels and an outer skin. Applicants respectfully traverse this rejection and request that each of Claims 1 – 5 be reconsidered in view of these remarks and also in view of the amendment of Claim 1 and passed to issue.

The claimed invention as set forth in Claim 1 and the dependent Claims 2 – 10 set forth a composite pickup box for an automotive vehicle which the floor has a plurality of extruded beams, with each of the beams having a plurality of downward opening channels. A plurality of wall sections is provided, with each of the wall sections having a single unitary extrusion with a plurality of outward opening channels, with each of the wall sections being permanently joined to the floor. Finally, a unitary outer skin is attached to the plurality of wall sections so as to cover the plurality of outward opening channels. In contrast, Kaufman which is distinguished in paragraph 4 of Applicants’ specification, discloses a stakeless livestock trailer including stacked and interlocked extruded tubular members for sidewalls and an extruded plank flooring system.

As noted in Applicants' specification, a problem with the construction of the vehicle disclosed by Kaufman resides in the fact that the appearance of the trailer is generally not suitable for a pickup box for an automotive vehicle. Not surprisingly, the attributes required of a horse trailer are not congruent with those required of a pickup truck. As seen in Kaufman's FIG. 2, the plank-like construction of the outer side surfaces of Kaufman's trailer is totally inappropriate for a pickup box of a vehicle. Rather, as set forth in Applicants' claims, a unitary outer skin is attached to Applicants' wall sections.

The lap, or board-like, or plank-like appearance of Kaufman's horse trailer is understandable from a review of Kaufman's FIG. 3, wherein his stacked tubular members are shown. Kaufman design does not use a unitary extrusion for his wall sections and of necessity, has many joints, all of which are undesirable as noted in Applicants' specification at paragraph 4.

In sum, Kaufman does not disclose wall sections comprising unitary extrusions. Rather, Kaufman shows wall sections having a plurality of extrusion. Kaufman does not show a unitary outer skin attached to a plurality of wall sections. Rather, Kaufman shows a plurality of outer skin which are incorporated within the tubular members. As such, Kaufman cannot comprise a colorable basis for rejection of Applicants' Claims 1 – 5 and these claims should be passed to issue. Such action is earnestly solicited.

Claims 6 – 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman in view of Cornland, U.S. Patent 3,886,705 ("Cornland"). The Examiner employs Cornland for a wall section comprising of extruded plastic or fiber filled resin. Thus, the Examiner argues that it would have been obvious to use extruded plastic material as disclosed by Cornland in the design of Kaufman. Applicants respectfully traverse this rejection and request that Claims 6 – 7 be reconsidered in view of these remarks and pass to issue over the Examiner's rejection.

Applicants respectfully submit that neither Kaufman, nor Cornland, whether taken singly, or in combination of each other, either teach or suggest Applicants' claimed

invention. Although Comland does show a wall section having extruded plastic or fiber filled resin, Comland does not show an extruded plastic or fiber filled resin pickup box having a plurality of wall sections each comprising a unitary extrusion having a plurality of outward opening channels, with each of the wall sections being permanently joined to the floor, and a unitary outer skin attached to the plurality of wall sections so as to cover the plurality of outward opening channels. As a result, each of the Claims 6 – 7 is allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Claims 8 – 9 stand rejection under 35 U.S.C. 103(a) as being unpatentable over Kaufman in view of Ellard, U.S. Patent 3,556,583 ("Ellard"). The Examiner cites Ellard for the use of a corner post. Applicants respectfully traverses this rejection and request that Claims 8 and 9 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

Applicants respectfully submit that neither Kaufman, nor Ellard, whether taken singly, or in combination with each other, either teach or suggest Applicants' claimed invention. The fact of the matter is that Ellard teaches nothing regarding Applicants' wall construction, nor for that matter anything about the teaching of Applicants' floor construction or the combination of Applicants' wall and floor, all of which are contained in Claim 1, from which Claim 8 depends and upon which Claim 9 ultimately depends. As a result, Claims 8 and 9 are allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Regarding Claim 10, Applicants respectfully submit that with the amendment of Claim 10 to correct the rejection under section 112, this claim is also allowable and should be passed to issue along with Claims 1 – 9. Such action is earnestly solicited.

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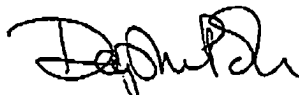
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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being sent via central fax # (703) 872-9306 to Mail Stop Amendment, Commissioner of Patents on this 3rd day of August, 2004.



Daphne Poh